IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§		
	§		
Plaintiff,	§		
	§		
v.	§	CASE NO.	7:08-CV-242
	§		
0.16 ACRES OF LAND, MORE OR	§		
LESS, SITUATE IN STARR COUNTY,	§		
STATE OF TEXAS; AND ASCENCION	§		
R. CHAPA, ET AL.,	§		
	§		
Defendant.	§		
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UNITED STATES' RESPONSE TO THE DISTRICT COURT'S ORDER FOR A CASE STATUS UPDATE

COMES NOW the United States of America (hereinafter "United States"), and in response to the District Court's October 17, 2018, Order to inform the Court on the status of the case:

The United States filed its initial Declaration of Taking on July 31, 2008 (Docket No. 2). The Court entered its Order Establishing Just Compensation and Distributing Funds on Deposit in the Registry of the Court on January 9, 2009, paying Landowner Ascension R. Chapa the amount of \$4,500.00 as the full and just compensation, in full satisfaction of any and all claims of whatsoever nature against the United States, by reason of the taking of said land (Docket No. 10). Landowner Ascension R. Chapa is deceased. The issue of just compensation has been resolved and the only issues remaining to be resolved in this case are title issues.

The previous status report in this case was filed with the Court on August 29, 2013 (Docket No. 18). Since the August 2013 status report, the United States filed its Amended Declaration of Taking (Docket No. 20) to clarify the description and provide final survey of the land acquired in

this proceeding; to clarify the estate taken for RGC-2032; and, to add as defendants all parties who may have an interest in the land acquired as a result of a title examination. Additionally, the United States filed its Amended Complaint (Docket No. 19) and Amended Notice (Docket No. 21). The United States filed waivers of service for Alicia Chapa (Docket No. 22), Nora Chapa (Docket No. 23), Edna Chapa Moreno (Docket No. 24) and Petra Chapa Ramirez (Docket No. 25). The United States also filed a Notice of Disclaimer executed by Gulf Energy Pipeline, LLC (Docket No. 26) who was subsequently dismissed by the Court (Docket No. 27).

The United States has communicated with the attorney for BHP Billiton Petroleum (Americas), Inc. and is awaiting a response on whether BHP Billiton Petroleum (Americas), Inc. will sign a disclaimer. The United States anticipates filing a motion to dismiss The Altex Energy Corporation, successor in interest to the Altex Corporation prior to the Court's status conference set for November 15, 2018. The United States needs to determine if Defendants Sylvia Chapa Flores and Texas Comptroller of Public Accounts have an interest or will sign a disclaimer. It appears that this tract of land may be further affected by future acquisitions should Congress appropriate additional funds for border infrastructure in fiscal year 2019. Thereafter, the United States intends to file a motion to close the case on the Court's docket.

Respectfully submitted,

RYAN K. PATRICK

United States Attorney Southern District of Texas

By: s/ E. Paxton Warner

E. PAXTON WARNER

Assistant United States Attorney Southern District of Texas No. 555957 Texas Bar No. 24003139 1701 W. Bus. Highway 83, Suite 600 McAllen, TX 78501

Telephone: (956) 618-8010 Facsimile: (956) 618-8016

E-mail: Paxton.Warner@usdoj.gov

CERTIFICATE OF SERVICE

I, E. Paxton Warner, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on November 9, 2018, I mailed a true and correct copy of the foregoing document via regular mail to the all parties remaining in this cause.

By: s/ E. Paxton Warner

E. PAXTON WARNER

Assistant United States Attorney